

REMARKS

Claim Status

Claims 1 and 3-21 are pending in the present application. No additional claims fee is believed to be due.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 U.S.C. § 102(b) Over Mende (5,180,620)

Claims 14 and 17 were rejected under 35 U.S.C. § 102(b) over Mende (5,180,620).

Claim 14 states that the first fibrous layer is relatively hydrophobic compared to the second layer. Mende, as cited in the Office Actions to date, does not disclose the first fibrous layer is relatively hydrophobic compared to the second layer. In the Office Action dated December 12, 2007, the Office Action states on page 3, lines 19-20 that Claim 14 is anticipated because Mende, column 16, lines 8-10, teaches that the cloth layer can be treated to be hydrophobic which would make the nonwoven layer relatively more hydrophobic than the film layer. The portion of Mende cited states nothing in regard to the film layer. One cannot conclude, based on the portion of Mende cited, what the affinity to water is for the film layer. The portion of Mende cited in the Office Action does not state anything about the relative comparison of the hydrophobicity of the first fibrous layer and the second layer, as claimed. Thus, Mende, as cited, does not disclose the first fibrous layer is relatively hydrophobic compared to the second layer.

Furthermore, Mende, as cited in the Office Action, does not disclose a laminate web having a machine direction and a cross machine direction defining a MD-CD plane comprising discrete regions having a distinct linear orientation and a longitudinal axis in the MD-CD plane. In Mende, the projections are “cylindrical projections 2”. See e.g. Column 6, Line 50, Column 7, Lines 3-4, Column 7, Line 5, Column 7, Line 17, and many additional locations throughout Mende. The Office Action of December 12, 2007 incorrectly states that Mende discloses that the projections can be circular, oval, square or any other appropriate shape, citing to Column 6, Lines 53-56. The portions of Mende

cited state that in the forming structure “holes 1a are not necessarily circular and may be oval, square or of any other appropriate shape.” (emphasis added). Claim 1 is related to the shape of the discrete regions, not the shape of a hole in a forming structure. Thus, the portion of Mende, as cited in the Office Action, does not provide a proper basis for a rejection based on anticipation.

Furthermore, when viewed from above, cylindrical projections 2 would have a circular cross section. The Applicants submit that a circular projection does not have a linear orientation defining a longitudinal axis in the MD-CD plane. A circle does not have a distinct linear orientation because all points about the circumference of a circle are equidistant from the center of the circle. There is nothing distinct about any individual points in which all of the points are an equal distance from a single center point. A circle, when viewed from above, has no distinct orientation in any in-plane direction because a circle is symmetric. It is impossible to properly describe a circle as having a distinct linear orientation in the plane of the circle. There is nothing remotely linear about a circle. A circle is round.

Based on the above, the Applicants submit that Claim 14 is allowable over Mende. The Applicants request that the rejection of Claim 14 be withdrawn.

Claim 17 depends upon Claim 14. As discussed above, the Applicants submit that Claim 14 is allowable. Therefore, the Applicants submit that Claim 17 is also allowable. The Applicants request that the rejection of Claim 17 be withdrawn.

Double Patenting Rejections

Terminal disclaimers are filed herewith to U.S. Patent App. No. 10/737,306, U.S. Patent No. 7,172,801 (formerly U.S. Patent App. No. 10/737,307), U.S. Patent No. 7,410,683 (formerly U.S. Patent App. No. 10/737,430), U.S. Patent App. No. 10/737,640, U.S. Patent App. No. 11/156,020, U.S. Patent App. No. 11/158,165, and U.S. Patent App. No. 11/650,821. The Applicants submit that the terminal disclaimers obviate the double patenting rejections. Therefore, the Applicants submit that Claims 1, 3-13, 15, 16, and 18-21 are in condition to be allowed.

Appl. No. 10/737,235

Docket No. 9456

Amdt. dated February 24, 2009

Reply to Office Action mailed on November 25, 2008

Customer No. 27752

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, entry of the amendments presented herein, reconsideration of this application, and allowance of the pending claims are respectfully requested.

Respectfully submitted,

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Date: February 24, 2009

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(Amendment-Response to Office Action.doc)

Revised 11/17/2006